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**TO: COMMISSIONER FOR PATENTS  
USPTO****PHONE:****FAX: 703-872-9303****FROM: Peter Giancana  
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**RE: 09/932,060****CC:**

Number of pages including cover sheet: 14

Message:

TO : EXAMINER DORN  
GAM 3732

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**GROUP 3700**

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PTO/SB/21 (01-03)

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/932060	
	Filing Date	August 17, 2001	
	First Named Inventor	Gubernick	
	Art Unit	3732	
	Examiner Name	DOAN, Robyn	
Total Number of Pages in This Submission	14	Attorney Docket Number	01.40

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <i>11 pages</i> <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <i>FOR COVER 1 page</i>
Remarks Acknowledgment of receipt of this facsimile is requested.		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Peter Giancana, 44,708
Signature	<i>Peter Giancana</i>
Date	August 6, 2003

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:		March 12, 2003
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Signature	<i>Peter Giancana</i>	Date August 6, 2003

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 0

## Complete If Known

Application Number 09/932,060  
 Filing Date August 17, 2003  
 First Named Inventor Gubernick  
 Examiner Name R. Doan  
 Art Unit 3732  
 Attorney Docket No. 01.40

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 05-1320

Deposit Account Name Estee Lauder

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$ )

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ )

(Complete if applicable)

## SUBMITTED BY

Name (Print/Type) Peter Giancana

Registration No. 44706  
 (Attorney/Agent)

Telephone 631-361-9663

Signature

Date August 6, 2003

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PATENT

<p align="center"><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this paper and every paper referred to therein as being enclosed, is being deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231,</p> <p>on _____ (Date of Deposit)</p> <p>_____ Signature of Person Mailing Correspondence</p> <p>_____ Printed name of Person Mailing Correspondence</p>
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Application of: Gubernick

Serial Number : 09/932,060

Group Art Unit: 3732

Examiner: DOAN, R.

Filed: August 17, 2001

For: Case For Presenting And Using Cosmetic Powders

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Assistant Commissioner for Patents  
Washington, D.C. 20231**Response Under 37 CFR 1.116**

Sir:

In reply to the final office action dated June 2, 2003 please enter the following remarks which are believed to demonstrate that this application is in a condition for allowance. If the Examiner persists in her position, then the following remarks will serve to clarify for appeal, the issues remaining between the Examiner and the applicant.

Claims 1-29 are pending in the application. Claims 1-28 are rejected. Claim 29 is allowed. A number of 112 rejections have not been repeated by the Examiner and are assumed to be overcome by the previous amendment.